

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION**

DON RICARD,

Plaintiffs,

No. 1:19-cv-01881-CL

v.

ORDER

**KLAMATH COUNTY, OREGON,
et al.**

Defendants.

McSHANE, District Judge.

Magistrate Judge Mark D. Clarke has filed a Report and Recommendation, ECF No. 51, concerning Defendants’ Motion to Dismiss for Lack of Jurisdiction, ECF No. 44. Under the Federal Magistrates Act, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). If a party files objections to a magistrate judge’s findings and recommendations, “the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

For those portions of a magistrate judge’s findings and recommendations to which neither party has objected, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474

U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report to which no objections are filed.”). Although no review is required in the absence of objections, the Magistrates Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Id.* at 154. The Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the court should review the recommendation for “clear error on the face of the record.”

No objections have been filed. The Court has reviewed the F&R and the record and finds no error. The Findings and Recommendation, ECF No. 51, are ADOPTED and the Motion to Dismiss, ECF No. 44, is DENIED.

It is so ORDERED and DATED this 16th day of June 2020.

s/Michael J. McShane

MICHAEL McSHANE
United States District Judge